

The Civil Status of Paroled Prisoners.

To the Editor of the N. Y. Tribune.

Sir: I am one of your subscribers and constant readers. Although dissenting often from your opinions, I am habitual to a full appreciation of your investigations, facts and sentiments upon the public matters which, from time to time, have come under your review. I think that, in your issue of the 2d inst., the leader entitled, "BETTER GIVE IT UP," upon the civil status of the prisoners paroled by Gen. Grant and others, embraces a misconception concerning a point of fact. I ask a place in your daily for this attempt to point out the misconception, as I consider it, and to give my reasons. I come forward under my own name, for a reason which will presently appear.

I quote your language: "We do not suppose there is any dissent or denial among intelligent persons to what we have stated. We know no journal of any character that disputes them, though several may have seemed to do so, while pandering to ignorance and popular passion." Here, I think, is your misconception—and a gross one. Why must the silence of journals and of intelligent persons be due, necessarily, to their agreement with you respecting the status of those prisoners, and not, rather, to the circumstance that the grounds of disagreement are, to their minds, so patent and conclusive that nothing need be said about them? Let me state two of these grounds, specifically:

First: There is the OFFICIAL DECISION of the Attorney-General of the United States, which is conceived to be made against you. In your own issue of April 26, you will find this official copy of the terms of Gen. Lee's surrender conspicuously announced, and after them the DECISION, in the words following:

"In giving construction to the terms of capitulation, we must consider who has parity. Gen. Grant was appointed, of course, by the authority of the President of the United States, as Commander-in-Chief of the armies of the United States. It must be presumed that he had no authority from the President, except such as the Commander-in-Chief could give to a military officer."

"II. The President performs two functions of the Government: one civil, the other military. As President of the United States, he is Commander-in-Chief of its military power. His power to pardon, as a civil magistrate, cannot be delegated; it is a personal trust, inseparably connected with the office of President. As Commander-in-Chief of the armies of the United States, he has the necessity to delegate a vast amount of power. Regarding Gen. Grant, then, parity on a military officer, and the question of his power to confer no power, is beyond question, and considering that fact as well known to the belligerents with whom he was making the stipulation, let me come to the consideration of the first question," &c. &c.

Now, sir, can you not conceive that, when "intelligent persons" read in your paper Attorney-General Speed's exposition of the fundamental law, to the effect that the power to pardon could not be delegated by the President, but must be exercised in person—that military power alone could be delegated to Gen. Grant, and that the purely military character in which the latter could, alone, act was patent to the other belligerents, such intelligent persons would, of course, be silent, provided their assent to the doctrine that pre-meditated by the Government was distinct and clear.

I say, by the Government; for it was the Head of the War Department to whom this official opinion was addressed, and that Head it was that directed its publication, or allowed it, knowing that it would be accepted as a decision of the question on the part of the Government. Can you not conceive that the very silence of the persons and journals referred to may be proof of their finding nothing adverse to their own views of the matter in these views of the Attorney-General?

I do not fail to notice your contrary opinion in the leader I have referred to, and your reason for it, viz.: that the Government has not already arranged the traitors. But this—although something—has a force partly conjectural, and the fact itself may easily resolve other explanations.

If the true principles of interpretation which you apply to your partial quotation of Gen. Lee's articles of capitulation, the quotation is so partial as to exclude all except the last sentence, and, thereby, to neglect the connection with that precedent sentence which is the key and unmistakable exponent of the whole. In italics and capitals you set the word "not to be disturbed by UNITED STATES AUTHORITIES so long as they observe their parole," &c.; but you allow not even plain Roman to those characteristic words which Gen. Grant stamped upon his offered terms, in the outset, to indicate and effect their merely military character, viz.: "The officers to give their individual paroles NOT TO TAKE UP ARMS AGAINST THE GOVERNMENT OF THE UNITED STATES UNLESS PROPERLY EXCHANGED; and each company or regimental commander sign a like parole for the men of their commands."

This leads me to the second reason why the silence of "journals of character" and of "intelligent persons" is not to be conceived of in the significance you ascribe to it. They saw that, in every fact, the transaction, taken all together, purports to be an ordinary military surrender, which took no cognizance of the surrendering Rebels as criminals, but only as prisoners, and which, accordingly, proceeds upon the usual presumption of their terms exchanged at a future time, and taking up arms anew. Can you not conceive that public journals, notwithstanding their well-earned character, and persons, notwithstanding their intelligence, might hesitate to receive—nay, might utterly eschew—such a version of Gen. Grant's articles as would subject him to the imputation of having bestowed an amnesty without requiring a submission—to the perpetual disgrace of having himself proposed that the enemy might continue in the *assizes* and *states* of rebellion while receiving a release from the consequences of their past reasonable conduct?

But, sir, let us come to the point of fact directly. For this publication I give you a responsible name, and one which is or has been known to you. I live in a city, you perceive, situated with institutions that are resorted to as the fountains of intelligence. Among ourselves, we do not lack for at least one proficient in law and author upon National Law. You have his work, and acknowledge it as a standard. Our headquarters of law instruction are also occupied by one known both to civil and political life as a former Governor of Connecticut and a Judge of our highest Court. I give you truthful information when I say that these distinguished men both agree in opinion with the Attorney-General, and both accept the purely military character of Gen. Grant's terms of surrender. If you do not esteem them "intelligent persons," I have confidence in your boldness to say it. They are, as I am persuaded, but two out of a multitude. What their opinion may be, or what I myself may think respecting the ultimate disposition to be made of Gen. Lee and his effects, is nothing to the master in hand. The question respects simply what has been already done—the existing status of the paroled prisoners. I trust your fairness to print this communication as promptly as possible. The right of your readers to have both sides before them is one which you will not dispute nor disregard. Beside, as I myself am one of those whom your pen has reflected upon, the inside cover is the inscription:

W. W.

A BEAUTIFUL PRESENT FOR GEN. GRANT.—A sumptuous bound copy of the new Illustrated Webster's Dictionary is to be seen on exhibition at Hurd & Houghton, No. 401 Broadway. It was printed and bound at the Riverside Press, Cambridge, and designed for a present to Gen. Grant. The binding is a rich Levantine Turkey morocco. The inside covers are highly finished in red, white and blue, and panel work of gold morocco, ornamented with gold lines, 26 gold stars, a shield, an eagle, the national flag, and the insignia of the Lieutenant-General's office, all in gold. In the center of the inside cover is the inscription:

LIEUTENANT-GENERAL ULYSSES S. GRANT.
And just above this name, in a diamond figure, is the motto:

"I propose to move immediately on your works."

And below, in another, diamond figure, is that other motto:

"I propose to fight it out on this line, if it takes all summer."

A Dutchman on seeing one of the posters announcing the opening of the new Illustrated Webster's Dictionary, said to his wife, "We're bound to buy it, for we're reading this book." He followed in her steps, and said, "I'm bound to buy it."

A man on seeing one of the posters announcing the opening of the new Illustrated Webster's Dictionary, said to his wife, "We're bound to buy it, for we're reading this book."

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